

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, *ex rel.*
State Engineer,

Plaintiff,

v.

69cv07941 BB-ACE

RAMON ARAGON, *et al.*,
Defendants.

RIO CHAMA STREAM SYSTEM
Rio Brazos, Section 7
Subfile No. CHRB-005-0003A

CONSENT ORDER

The Court, having considered the agreement between Plaintiff State of New Mexico ("Plaintiff") and Defendants Joe R. Sanchez, Robert F. Sanchez, and Emilia Duran ("Defendants") concerning Defendants' rights to divert and use the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, as set forth below, FINDS:

1. The Court has jurisdiction over the parties to and the subject matter of this lawsuit.
2. Plaintiff and Defendants are in agreement concerning certain elements of the Defendants' rights to divert and use the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures set forth below, the parties have approved and accepted those elements as set forth in paragraph 4 of this Consent Order.
3. There is no just reason to delay entry of a final judgment as to the elements of Defendants' claims adjudicated by this Consent Order.
4. Defendants' rights to divert and use the public surface waters of the Rio Chama

Stream System, Rio Brazos, Section 7, are set forth below:

Irrigated Lands (Surface Water Only):

Office of the State Engineer File No.: 0436.

Priority: Reserved for future determination by Order of the Court entered on November 19, 2002.

Source of Water: Surface water of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: Irrigation.

Point of Diversion: Ensenada Ditch.

Location: X = 1,571,054 feet. Y = 2,087,568 feet. New Mexico State Plane Coordinate System, Central Zone, NAD 1983.

Location and Amount of Irrigated Acreage: Within the Tierra Amarilla Grant; 44.5 acres as shown on the attached revised Hydrographic Survey Map for Subfile No. CHRB-005-0003A.

Amount of Water: Reserved for future determination by Order of the Court entered on November 19, 2002.

5. Defendants have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this Consent Order, and in such other orders, judgments, or decrees as may be issued by the Court in this lawsuit.

6. Defendants, their heirs, successors, assigns, and legal representatives, should be enjoined from any diversion and use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in complete accordance with the water rights set

forth in this Consent Order, and in such other orders, judgments, or decrees as may be issued by the Court in this lawsuit.

7. Defendants' water rights are adjudicated subject to the right of any other water rights claimant under the Rio Chama Stream System, Rio Brazos, Section 7 with standing to object to a legal determination of those water rights prior to the issuance of the final decree by the Court in this lawsuit.

THEREFORE, IT IS ORDERED:

A. Defendants' rights to divert and use the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth in this Consent Order.

B. Defendants, their heirs, successors, assigns, and legal representatives, are enjoined from any diversion and use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in complete accordance with the water rights set forth in this Consent Order, and in such other orders, judgments, or decrees as may be issued by the Court in this lawsuit.

C. The Court enters this Consent Order as a final judgment as to the elements of Defendants' claims adjudicated by this Consent Order.

D. Defendants' water rights are adjudicated subject to their rights and those of any other water rights claimants under the Rio Chama Stream System, Rio Brazos, Section 7 with standing to file objections to other individual orders of adjudication and to any final order, judgment, or decree issued by the Court in this lawsuit.

Done this _____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE

Recommended for Approval:

Special Master Date: _____

Plaintiff:

Edward G. Newville
Special Assistant Attorney General Date: _____

Defendants:

Joe R. Sanchez
P.O. Box 147
Los Ojos, New Mexico 87551 Date: _____

Robert F. Sanchez
P.O. Box 695
Las Vegas, New Mexico 87701 Date: _____

Emilia Duran
HCR 75, Box 17
Tierra Amarilla, New Mexico 87575 Date: _____